

## RESPONSE

### *Obviousness-Type Double Patenting*

In the *Office Action*, the Examiner indicated claims 1-3 to be “rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 5-10 and 45 of U.S. Patent No. 6354479 B1.” *Office Action*, 2.

A timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used to overcome a rejection based on a non-statutory double patenting ground provided the conflicting patent is shown to be commonly owned with the present application. See 37 C.F.R. § 1.130(b). The applicants of the present application are the owners of the entire right, title and interest in U.S. patent number 6,354,479. Applicants’ agent submits herewith a *Terminal Disclaimer to Obviate a Double Patenting Rejection Over a “Prior” Patent* as it concerns U.S. patent number 6,354,479.

In the same *Office Action*, the Examiner also indicated claims 1-3 to be “rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3 and 28 of U.S. Patent No. 6651864 B2.” *Office Action*, 3.

A timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) may be used to overcome a rejection based on a non-statutory double patenting ground provided the conflicting patent is shown to be commonly owned with the present application. See 37 C.F.R. § 1.130(b). The applicants of the present application are the owners of the entire right, title and interest in U.S. patent number 6,651,864. Applicants’ agent submits herewith a *Terminal Disclaimer to Obviate a Double Patenting Rejection Over a “Prior” Patent* as it concerns U.S. patent number 6,651,864.

## CONCLUSION


The Examiner's rejections as to claims 1-3 are fully overcome through the submission of terminal disclaimers as to U.S. patent numbers 6,354,479 and 6,651,864. As such, applicants respectfully request the mailing of a *Notice of Allowance*.

The Examiner is invited to contact the applicants' undersigned representative with any questions concerning the present application.

Respectfully submitted,  
Steven F. Reiber et al.

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By:

  
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Susan Yee, Reg. No., 41,388  
**Carr & Ferrell LLP**  
2200 Geng Road  
Palo Alto, CA 94303  
T: 650.812.3400  
F: 650.812.3444